

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTHER KIOBEL, et al.

Plaintiffs,

-against-

ROYAL DUTCH PETROLEUM
COMPANY, et al.,

Defendants.
-----X

02 Civ. 7618 (KMW) (HBP)

OPINION AND ORDER

KIMBA M. WOOD, U.S.D.J.:

On September 17, 2010, the Second Circuit Court of Appeals held that corporate defendants were not subject to liability under the Alien Tort Statute (“ATS”), as they were not subject to liability under customary international law. *Kiobel v. Royal Dutch Petroleum Company*, 621 F.3d 111, 149 (2d Cir. 2011). The Second Circuit accordingly reversed in part this Court’s previous opinion (*Kiobel v. Royal Dutch Petroleum Company*, No. 02 Civ. 7618, 2010 WL 2507025 (S.D.N.Y. June 21, 2010)) insofar as this Court had denied Defendants’ motion to dismiss the remaining claims alleging aiding and abetting arbitrary arrest and detention; crimes against humanity; and torture or cruel, inhuman, and degrading treatment. *Kiobel*, 621 F.3d at 149. *Kiobel*’s petition for a panel rehearing was denied by the Second Circuit on February 4, 2011. *Kiobel v. Royal Dutch Petroleum Company*, 642 F.3d 268 (2d Cir. 2011).

The Defendants in this case, the Royal Dutch Petroleum Company, the Shell Transport and Trading Company, and the Shell Petroleum Development Company of Nigeria, are all corporate entities. Pursuant to the Second Circuit’s February 17, 2011 Mandate reversing

in part this Court's previous opinion, all claims against the Defendants are DISMISSED. The Clerk of the Court is requested to close this case. All pending motions are moot.

SO ORDERED.

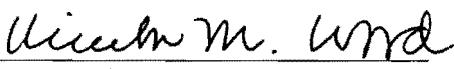
Dated: New York, New York
September ____, 2011

Kimba M. Wood
United States District Judge

in part this Court's previous opinion, all claims against the Defendants are DISMISSED. The Clerk of the Court is requested to close this case. All pending motions are moot.

SO ORDERED.

Dated: New York, New York
September 30, 2011



Kimba M. Wood
United States District Judge